

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1434

AN ACT

AMENDING SECTIONS 9-823 AND 12-1176, ARIZONA REVISED STATUTES; REPEALING SECTION 21-101, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-101; AMENDING SECTION 21-131, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-132; AMENDING SECTION 21-201, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 21-334, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 21-223; AMENDING SECTION 21-223, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 21-301, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-302; REPEALING SECTIONS 21-311 AND 21-312, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 21-311 AND 21-312; AMENDING SECTIONS 21-313, 21-314 AND 21-315, ARIZONA REVISED STATUTES; REPEALING SECTIONS 21-316, 21-317 AND 21-318, ARIZONA REVISED STATUTES; REPEALING TITLE 21, CHAPTER 3, ARTICLE 2.1, ARIZONA REVISED STATUTES; AMENDING SECTION 21-331, ARIZONA REVISED STATUTES; RENUMBERING SECTION 21-336.01, ARIZONA REVISED STATUTES, AS SECTION 21-332; REPEALING TITLE 21, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING SECTION 21-402, ARIZONA REVISED STATUTES; RENUMBERING SECTION 21-404, ARIZONA REVISED STATUTES, AS SECTION 21-417; AMENDING TITLE 21, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-404; AMENDING SECTIONS 21-406, 21-423, 21-428 AND 22-320, ARIZONA REVISED STATUTES; REPEALING SECTION 22-426, ARIZONA REVISED STATUTES; RELATING TO JURORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-823, Arizona Revised Statutes, is amended to
3 read:

4 9-823. Registration of voters; change of registration

5 A. A city or town by ordinance or resolution in writing may provide
6 for and require a registration of the voters of the city or town. The
7 registration may be required every two years, and shall begin within sixty
8 days before, and shall be closed ten days before, the regular city or town
9 election.

10 B. The registration shall show:

11 1. The name in full of each registered voter.

12 2. The appropriate title of the voter and that ~~he~~ THE VOTER is
13 eighteen years of age or over.

14 3. Place of birth.

15 4. Place of residence by street and number, or ward.

16 5. The date of entry of the registration on the register.

17 C. The voter may change ~~his~~ THE VOTER'S place of residence as recorded
18 on the register at any time ~~prior to~~ BEFORE the closing of the register.

19 D. No person shall vote at any election in any district except the one
20 in which ~~he~~ THE PERSON has lived for at least ten days next preceding the
21 election and as shown on the register.

22 E. Notwithstanding ~~any provisions of~~ this section or sections 9-824,
23 16-104, ~~AND~~ 16-105 ~~and 22-426 to the contrary~~, no city or town may maintain
24 a local voter registration list after July 1, 1985 if the county recorder of
25 the county in which such city or town is located complies with ~~the provisions~~
26 ~~of~~ section 16-172.

27 Sec. 2. Section 12-1176, Arizona Revised Statutes, is amended to read:

28 12-1176. Demand for jury; trial procedure

29 A. ~~The clerk or justice of the peace shall at the time of issuing the~~
30 ~~summons, If A JURY TRIAL IS requested by the plaintiff, issue a venire to the~~
31 ~~sheriff or constable of the county commanding him to summon a jury of THE~~
32 ~~COURT SHALL GRANT THE REQUEST. IF THE PROCEEDING IS IN THE SUPERIOR COURT,~~
33 ~~THE JURY SHALL CONSIST OF~~ eight persons, ~~AND if the proceeding is in the~~
34 ~~superior JUSTICE court, and THE JURY SHALL CONSIST OF~~ six persons, ~~if in the~~
35 ~~justice court, qualified jurors of the county, to appear on the day set for~~
36 ~~trial to serve as jurors in the action. The venire shall be served and~~
37 ~~returned on the day assigned for trial.~~ The trial date shall be no more than
38 five judicial days after the aggrieved party files the complaint.

39 B. If the plaintiff does not request a jury, the defendant may do so
40 ~~when he appears, ON APPEARING and the REQUEST SHALL BE GRANTED jury shall be~~
41 ~~summoned in the manner set forth in subsection A.~~

42 C. ~~If any jurors fail to attend, or are excused after being~~
43 ~~challenged, the jury shall be completed by causing other qualified jurors to~~
44 ~~be summoned immediately.~~

45 ~~D.~~ C. The action shall be docketed and tried as other civil actions.

1 Sec. 3. Repeal

2 Section 21-101, Arizona Revised Statutes, is repealed.

3 Sec. 4. Title 21, chapter 1, article 1, Arizona Revised Statutes, is
4 amended by adding a new section 21-101, to read:

5 21-101. Definitions

6 IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "JUROR POOL" MEANS THE PERSONS WHO ARE SUMMONED AND WHO REPORT ON A
8 SPECIFIC DATE TO OR FOR A SPECIFIC LOCATION.

9 2. "JURY MANAGER" MEANS THE PERSON WHO IS RESPONSIBLE FOR JURY
10 MANAGEMENT IN A JUSTICE OF THE PEACE COURT OR A MUNICIPAL COURT.

11 3. "JURY PANEL" MEANS A GROUP OF JURORS WHO ARE DRAWN AT RANDOM FROM
12 THE JUROR POOL AND WHO ARE ASSIGNED TO A SPECIFIC CASE OR TRIAL.

13 4. "MASTER JURY FILE" MEANS A LIST OF PROSPECTIVE JURORS WHO ARE
14 RANDOMLY SELECTED FROM THE MASTER JURY LIST.

15 5. "MASTER JURY LIST" MEANS A RECORD OF THE NAMES AND ADDRESSES OF
16 ELIGIBLE PERSONS WHO RESIDE IN THE COUNTY AND INCLUDES PERSONS ON THE VOTER
17 REGISTRATION LIST OF THE COUNTY AND OTHER PERSONS WHO ARE ELIGIBLE FOR JURY
18 SERVICE AND WHO HAVE BEEN LICENSED PURSUANT TO TITLE 28, CHAPTER 8, ARTICLE 4
19 OR 5.

20 Sec. 5. Section 21-131, Arizona Revised Statutes, is amended to read:

21 21-131. Jury commissioner

22 A. The clerk of the superior court shall be the jury commissioner,
23 except that in any county having a population of more than five hundred
24 thousand persons, the presiding judge of the superior court may appoint a
25 jury commissioner. The jury commissioner shall report to the presiding
26 judge.

27 B. The presiding judge of the superior court shall set the salary of a
28 jury commissioner who has been appointed by the presiding judge, subject to
29 approval of the county board of supervisors.

30 C. THE JURY COMMISSIONER MAY ADMINISTER AN OATH OR AFFIRMATION IN
31 RELATION TO THE EXAMINATION OF ANY MATTER CONTAINED IN THIS TITLE.

32 D. THE JURY COMMISSIONER MAY PROVIDE SERVICES TO ANY COURT IN THE
33 COUNTY IF REQUESTED BY THAT COURT.

34 E. THE JURY COMMISSIONER MAY APPOINT A DESIGNEE TO PERFORM ANY ACT
35 REQUIRED OF THE JURY COMMISSIONER PURSUANT TO THIS TITLE.

36 Sec. 6. Title 21, chapter 1, article 3, Arizona Revised Statutes, is
37 amended by adding section 21-132, to read:

38 21-132. Review of jury commissioner's action

39 IF THE JURY COMMISSIONER DENIES A PERSON'S REQUEST TO BE EXCUSED OR
40 DISQUALIFIED FROM JURY SERVICE AND THE PERSON MAKES A WRITTEN APPLICATION FOR
41 REVIEW, THE PRESIDING JUDGE OR ANOTHER JUDGE DESIGNATED BY THE PRESIDING
42 JUDGE SHALL DECIDE WHETHER THE PERSON SHOULD BE EXCUSED OR DISQUALIFIED.

1 Sec. 7. Section 21-201, Arizona Revised Statutes, is amended to read:
2 21-201. Qualifications

3 Every juror, grand and trial, shall be at least eighteen years of age
4 and meet the following qualifications:

5 1. Be a citizen of the United States.

6 2. Be a resident of the jurisdiction in which ~~he~~ THE JUROR is summoned
7 to serve. A CITIZEN WHOSE NAME AND ADDRESS APPEARS ON THE MASTER JURY LIST
8 AS REQUIRED BY SECTION 21-301 IS PRESUMED TO BE A RESIDENT OF THE
9 JURISDICTION FOR THE PURPOSES OF THIS SECTION.

10 3. Never have been convicted of a felony, unless the juror's civil
11 rights have been restored.

12 4. Is not currently adjudicated mentally incompetent or insane.

13 Sec. 8. Section 21-334, Arizona Revised Statutes, is transferred and
14 renumbered for placement in title 21, chapter 2, article 3, Arizona Revised
15 Statutes, as renumbered by this act, as section 21-223 and, as so renumbered,
16 is amended to read:

17 21-223. Failure of juror to attend; fine

18 It is unlawful for a juror who is summoned and who fails to obtain a
19 postponement or who is not excused from jury service to wilfully and without
20 reasonable excuse fail to attend on the date scheduled for jury service. ~~The~~
21 ~~juror may be attached as for a direct contempt of court and may be compelled~~
22 ~~to attend on the date scheduled for jury service, and a fine not exceeding~~ IF
23 THE JUROR FAILS TO RESPOND TO A SECOND NOTICE THE COURT MAY ISSUE A BODY
24 ATTACHMENT AS FOR A DIRECT CONTEMPT OF THE COURT. THE JUROR MAY BE FINED AN
25 AMOUNT NOT TO EXCEED five hundred dollars AND may be ~~imposed by the court for~~
26 ~~nonattendance upon the court~~ COMPELLED TO ATTEND FOR JURY SERVICE ON ANOTHER
27 DATE.

28 Sec. 9. Section 21-301, Arizona Revised Statutes, is amended to read:
29 21-301. Master jury list; source lists

30 ~~A. Names of prospective jurors to serve on trial and grand juries~~
31 ~~shall be selected at random from the master jury list of the county.~~

32 ~~B. A. The jury commissioner of each county shall prepare and maintain~~
33 ~~a current master jury list of eligible juror candidates.~~ The JURY
34 COMMISSIONER SHALL PRODUCE A MASTER JURY LIST. THE MASTER JURY list shall be
35 comprised of the names and addresses of eligible persons who reside in the
36 county and shall include persons on the voter registration list of the
37 county, other persons eligible for jury service who have been licensed
38 pursuant to title 28, chapter 8, article 4 or 5 and persons from other lists
39 as determined by the supreme court. The master jury list shall be prepared
40 so as to avoid duplication of the names of eligible juror candidates.

41 ~~C.~~ B. Not later than January 1 following each biennial general
42 election, the county recorder shall provide the jury commissioner with a list
43 containing the names and addresses of all persons qualified to vote at the
44 preceding general election. At least once every six months thereafter the
45 county recorder shall provide the jury commissioner with the names and

1 addresses of all additional persons who have registered as voters since the
2 date of the last list.

3 ~~D.~~ C. ~~Upon~~ ON written request by a ~~county~~ jury commissioner, the
4 director of the department of transportation shall furnish and periodically
5 revise a list of the names and addresses of all persons in ~~such~~ THAT county
6 who are at least eighteen years of age and who have been licensed pursuant to
7 title 28, chapter 8, article 4 or 5. EXCEPT AS PROVIDED IN SECTION 21-304,
8 no ~~county~~ jury commissioner may disclose information furnished by the
9 director of the department of transportation pursuant to this section to any
10 person, organization or agency for any use other than the selection of
11 jurors.

12 ~~E. In any county in which the selection and drawing of jurors are~~
13 ~~performed by data processing equipment, the names contained in the master~~
14 ~~jury list shall be maintained in a uniform format.~~

15 Sec. 10. Title 21, chapter 3, article 1, Arizona Revised Statutes, is
16 amended by adding section 21-302, to read:

17 21-302. Juror summoning; procedures

18 A. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON TRIAL JURORS FROM
19 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

20 B. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON GRAND JURORS FROM
21 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

22 C. JURORS SHALL BE SUMMONED BY USING A COUNTYWIDE SUMMONING METHOD
23 THAT IS IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS
24 STATE.

25 D. A COURT MAY USE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS THAT
26 ARE IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS STATE
27 AS PROVIDED IN A PLAN APPROVED PURSUANT TO RULES ADOPTED BY THE SUPREME
28 COURT.

29 E. IF THE SUPERIOR COURT IN A COUNTY HAS MULTIPLE COURT LOCATIONS, THE
30 COURT MAY PROPOSE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS AS PROVIDED IN
31 A PLAN APPROVED BY THE SUPREME COURT OR THE PRESIDING JUDGE OF THE COUNTY IN
32 WHICH THE COURT IS LOCATED. THE ALTERNATIVE PROCEDURES MAY BE DESIGNED TO
33 MINIMIZE THE DISTANCE PROSPECTIVE JURORS MUST TRAVEL AND TO AVOID UNNECESSARY
34 TRAVEL EXPENSES BY DIVIDING THE COUNTY INTO JURY DISTRICTS OR USING A
35 COUNTYWIDE JUROR SUMMONING METHOD THAT AFFORDS ALL QUALIFIED PERSONS IN THE
36 COUNTY AN OPPORTUNITY TO BE CONSIDERED FOR JURY SERVICE AT ANY COURT
37 LOCATION.

38 F. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, IF MULTIPLE
39 COURTS OPERATE AT ONE LOCATION, JURORS MAY BE SUMMONED COUNTYWIDE OR FROM THE
40 JURISDICTION OF THE COURTS AND POOLED FOR USE BY ANY SUPERIOR COURT OR
41 JUSTICE OF THE PEACE COURT AT THAT LOCATION.

42 G. ONLY PERSONS WHO RESIDE WITHIN THE CITY OR TOWN LIMITS OF THE COURT
43 ARE ELIGIBLE FOR JURY SERVICE IN MUNICIPAL COURT.

1 H. IN COUNTIES WITH A POPULATION OF TWO MILLION PERSONS OR MORE, A
2 PERSON MUST RESIDE WITHIN THE PRECINCT LIMITS OF THE COURT TO BE ELIGIBLE FOR
3 JURY SERVICE IN A JUSTICE OF THE PEACE COURT.

4 Sec. 11. Repeal

5 Sections 21-311 and 21-312, Arizona Revised Statutes, are repealed.

6 Sec. 12. Title 21, chapter 3, article 2, Arizona Revised Statutes, is
7 amended by adding new sections 21-311 and 21-312, to read:

8 21-311. Master jury file; source list

9 A. IF A SUPERIOR COURT USES A MASTER JURY FILE, THE PRESIDING JUDGE OF
10 THE SUPERIOR COURT, ON COMPLETION OF THE MASTER JURY LIST AND AT OTHER TIMES
11 AS NECESSARY, SHALL ORDER THE JURY COMMISSIONER TO RANDOMLY SELECT FROM THE
12 MASTER JURY LIST THE NUMBER OF NAMES THAT ARE NECESSARY TO PROVIDE A
13 SUFFICIENT NUMBER OF PERSONS FOR JURY SERVICE DURING THE ENSUING SIX MONTHS
14 OR A SHORTER TIME PERIOD AS THE PRESIDING JUDGE DEEMS APPROPRIATE. THE
15 JURORS WHO REMAIN ON THE LIST AT THE END OF THE DESIGNATED PERIOD MAY BE
16 RETAINED AND CARRIED OVER ONCE TO THE NEXT SUCCEEDING MASTER JURY FILE.

17 B. TO ESTABLISH THE MASTER JURY FILE THE JURY COMMISSIONER OR THE JURY
18 COMMISSIONER'S DESIGNEE SHALL RANDOMLY SELECT FROM THE MASTER JURY LIST THE
19 NUMBER OF NAMES SPECIFIED IN THE ORDER.

20 C. IF THE PRESIDING JUDGE OF THE SUPERIOR COURT BELIEVES THAT
21 ADDITIONAL JURORS WILL BE REQUIRED, THE PRESIDING JUDGE MAY ORDER THE JURY
22 COMMISSIONER TO RANDOMLY SELECT ADDITIONAL NAMES FROM THE MASTER JURY LIST.

23 D. IF A JUSTICE OF THE PEACE COURT OR A MUNICIPAL COURT USES A MASTER
24 JURY FILE, THE JUSTICE OF THE PEACE OR THE PRESIDING MUNICIPAL COURT JUDGE,
25 ON COMPLETION OF THE MASTER JURY LIST AND AT OTHER TIMES AS NECESSARY, SHALL
26 ORDER THE JURY MANAGER TO RANDOMLY SELECT FROM THE MASTER JURY LIST THE
27 NUMBER OF NAMES THAT ARE NECESSARY TO PROVIDE A SUFFICIENT NUMBER OF PERSONS
28 FOR JURY SERVICE DURING THE ENSUING SIX MONTHS OR A SHORTER TIME PERIOD AS
29 THE JUSTICE OF THE PEACE OR THE PRESIDING JUDGE DEEMS APPROPRIATE. THE
30 JURORS WHO REMAIN ON THE LIST AT THE END OF THE DESIGNATED PERIOD MAY BE
31 RETAINED AND CARRIED OVER ONCE TO THE NEXT SUCCEEDING MASTER JURY FILE.

32 E. TO ESTABLISH THE MASTER JURY FILE THE JURY MANAGER OR THE JURY
33 MANAGER'S DESIGNEE SHALL RANDOMLY SELECT FROM THE MASTER JURY LIST THE NUMBER
34 OF NAMES SPECIFIED IN THE ORDER.

35 F. IF THE JUSTICE OF THE PEACE OR THE PRESIDING MUNICIPAL COURT JUDGE
36 BELIEVES THAT ADDITIONAL JURORS WILL BE REQUIRED, THE JUSTICE OF THE PEACE OR
37 THE PRESIDING MUNICIPAL COURT JUDGE MAY ORDER THE JURY COMMISSIONER TO
38 RANDOMLY SELECT ADDITIONAL NAMES FROM THE MASTER JURY LIST.

39 G. THE USE OF A MASTER JURY FILE IS OPTIONAL.

40 21-312. Juror records

41 A. THE LIST OF JUROR NAMES OR OTHER JUROR INFORMATION SHALL NOT BE
42 RELEASED UNLESS SPECIFICALLY REQUIRED BY LAW OR ORDERED BY THE COURT.

43 B. ALL RECORDS THAT CONTAIN JUROR BIOGRAPHICAL INFORMATION ARE
44 CONFIDENTIAL AND SHALL BE RETURNED TO THE JURY COMMISSIONER, THE JURY MANAGER

1 OR THE COURT WHEN JURY SELECTION IS COMPLETED AND MAY NOT BE FURTHER
2 DISSEMINATED BY A PARTY OR THE PARTY'S ATTORNEY.

3 C. A RANDOM JURY BOX SEATING LIST IS CONFIDENTIAL BEFORE USE.

4 Sec. 13. Section 21-313, Arizona Revised Statutes, is amended to read:

5 21-313. Use of jury management automation systems: random
6 selection

7 A. A JURY MANAGEMENT AUTOMATION SYSTEM MAY BE USED, IF FEASIBLE, IN
8 THE PERFORMANCE OF THE DUTIES IMPOSED BY THIS TITLE.

9 B. In any county where ~~data processing equipment~~ A JURY MANAGEMENT
10 AUTOMATION SYSTEM is used, the jury commissioner ~~or the jury commissioner's~~
11 ~~agent~~ shall cause the device to be programmed to ensure ~~the~~ random selection
12 ~~of names on the master jury list~~ PROCEDURES.

13 C. THE COURTS SHALL USE RANDOM SELECTION PROCEDURES THROUGHOUT THE
14 JUROR SELECTION PROCESS INCLUDING:

- 15 1. SELECTING PERSONS TO BE QUALIFIED OR SUMMONED FOR JURY SERVICE.
- 16 2. ASSIGNING JURORS TO PANELS.
- 17 3. CALLING JURORS FOR VOIR DIRE.

18 Sec. 14. Section 21-314, Arizona Revised Statutes, is amended to read:

19 21-314. Juror questionnaire

20 A. The jury commissioner OR JURY MANAGER shall ~~supply~~ USE a
21 questionnaire to ~~each person whose name is drawn from the master jury file to~~
22 ~~determine his qualifications~~ DETERMINE WHETHER A PERSON IS QUALIFIED to serve
23 ~~and whether he~~ OR has valid grounds to be excused OR POSTPONED from service.
24 THE JURY COMMISSIONER OR JURY MANAGER MAY REQUIRE ADDITIONAL INFORMATION FROM
25 THE PERSON TO MAKE THIS DETERMINATION. THE JURY COMMISSIONER OR JURY MANAGER
26 MAY DETERMINE JUROR QUALIFICATIONS, EXCUSES AND POSTPONEMENTS AT THE SAME
27 TIME.

28 B. ~~Each person shall return the questionnaire fully answered to the~~
29 ~~jury commissioner within ten days after it is received.~~ The jury
30 commissioner OR JURY MANAGER may destroy the fully answered questionnaire
31 ninety days after the commissioner OR MANAGER receives it.

32 ~~C. The jury commissioner may issue a questionnaire to each person to~~
33 ~~determine the person's qualifications to serve as a juror in accordance with~~
34 ~~the provisions of this section in the same mailing in which the jury~~
35 ~~commissioner summonses each person to attend the court as a juror pursuant to~~
36 ~~section 21-331.~~

37 C. THE JUROR QUESTIONNAIRE MAY BE INCLUDED IN THE SAME MAILING AS THE
38 SUMMONS TO ATTEND THE COURT AS A JUROR OR THE QUESTIONNAIRE MAY BE MAILED
39 BEFORE THE SUMMONS.

40 D. THE JURY COMMISSIONER OR JURY MANAGER MAY INVESTIGATE THE ACCURACY
41 OF THE ANSWERS TO THE QUESTIONNAIRE AND MAY CALL ON LAW ENFORCEMENT AGENCIES
42 FOR ASSISTANCE IN AN INVESTIGATION.

1 Sec. 15. Section 21-315, Arizona Revised Statutes, is amended to read:
2 21-315. Excuse from service; investigation

3 A. If ~~a person's answers to a questionnaire indicate that~~ the JURY
4 COMMISSIONER OR JURY MANAGER DETERMINES THAT A person is unqualified for jury
5 service or, ~~in the opinion of the judge or jury commissioner, state~~ HAS VALID
6 grounds ~~sufficient~~ to be excused OR POSTPONED from jury service, the person's
7 name shall not be included on the qualified juror list and the person shall
8 be notified ~~that he is excused from jury service~~ ACCORDINGLY.

9 ~~B. The jury commissioner may investigate the accuracy of the answers~~
10 ~~to the questionnaire and may call upon law enforcement agencies for~~
11 ~~assistance in the investigation.~~

12 B. THE PRESIDING JUDGE, JURY COMMISSIONER OR JURY MANAGER MAY REQUIRE
13 ANY PERSON WHOSE NAME APPEARS ON THE MASTER JURY LIST TO APPEAR BEFORE THE
14 JURY COMMISSIONER OR THE JURY MANAGER TO TESTIFY UNDER OATH OR AFFIRMATION
15 CONCERNING THE PERSON'S QUALIFICATIONS, ANY GROUNDS FOR EXCUSE OR THE
16 COMPLETION OF AN UNRETURNED QUESTIONNAIRE.

17 Sec. 16. Repeal

18 Sections 21-316, 21-317 and 21-318, Arizona Revised Statutes, are
19 repealed.

20 Sec. 17. Repeal

21 Title 21, chapter 3, article 2.1, Arizona Revised Statutes, is
22 repealed.

23 Sec. 18. Section 21-331, Arizona Revised Statutes, is amended to read:
24 21-331. Procedure for summoning jurors

25 A. THE JURY COMMISSIONER OR JURY MANAGER SHALL USE ONE OR BOTH OF THE
26 FOLLOWING METHODS FOR SUMMONING JURORS:

27 1. THE COURT SHALL ORDER THE JURY COMMISSIONER OR JURY MANAGER TO
28 SUMMON A SPECIFIC NUMBER OF QUALIFIED JURORS, AT RANDOM, FOR EITHER A TRIAL
29 JURY OR GRAND JURY PANEL.

30 2. THE JURY COMMISSIONER OR JURY MANAGER SHALL DETERMINE A SPECIFIC
31 NUMBER OF PERSONS TO BE SUMMONED FOR A COURT LOCATION AND DATE BY USING
32 HISTORICAL DATA REGARDING JUROR DEMAND.

33 B. IN COUNTIES IN WHICH MULTIPLE SUPERIOR COURT LOCATIONS EXIST, A
34 JUROR SHALL BE SUMMONED TO NOT MORE THAN ONE COURT LOCATION ON A SPECIFIC
35 DATE AND IS NOT REQUIRED TO SERVE IN MORE THAN ONE COURT LOCATION ON ANY
36 SPECIFIC DATE.

37 ~~A.~~ C. The court shall order the summoning of the persons to attend
38 the court at the time fixed in the order to form the jury, by giving personal
39 notice to each of them, or by leaving a written notice to that effect at ~~his~~
40 THE PERSON'S place of residence, with some person of proper age and
41 discretion, BY TELEPHONE or by mailing such notice by first class mail,
42 registered mail or certified mail.

43 ~~B.~~ D. Any juror who fails to appear in response to a notice sent by
44 first class mail shall be immediately resummoned by a notice sent by first
45 class mail, registered mail or certified mail and shall not be subject to

attachment or fine as provided in section 21-334 unless the juror fails to appear in response to this second mailing. Notwithstanding section 21-301, subsection ~~D~~ C, for any juror whose mail is returned as undeliverable, the jury commissioner shall notify the county recorder who shall send a follow-up notice to the juror pursuant to section 16-166, subsection A, including information regarding possible removal from the voter registration rolls, and on completion of the notification process pursuant to section 16-166, the county recorder shall transfer the juror to the inactive voter list.

~~C. If jurors are required by a justice court or municipal court, in addition to the method of summoning jurors pursuant to subsection A of this section the jurors, on written order of the justice of the peace or magistrate of the court, may be summoned by the sheriff, constable, marshal, policeman or court of that jurisdiction from among the residents of the city, town or precinct who are competent to serve as jurors. The summons shall be served not less than three days before the time the juror is required to appear unless a juror, after being notified of the three-day notice requirement, waives, either orally or in writing, the three-day notice.~~

~~D~~ E. The officer shall notify each juror that ~~he~~ THE JUROR is being summoned and of the time and place at which ~~his~~ THE JUROR'S attendance is required. ~~The officer, at the time fixed in the order for appearance of the jurors, shall return the order with a list of the summoned jurors endorsed on the order.~~

~~E. On order of the presiding judge of the superior court in the county, the jury commissioner of the county shall draw prospective jurors for the justice court and for the municipal court if an intergovernmental agreement for drawing jury panels exists between the county and the municipality, pursuant to sections 21-322 and 21-323.~~

Sec. 19. Renumber

Section 21-336.01, Arizona Revised Statutes, is renumbered as section 21-332.

Sec. 20. Repeal

Title 21, chapter 3, article 4, Arizona Revised Statutes, is repealed.

Sec. 21. Section 21-402, Arizona Revised Statutes, is amended to read:

21-402. Calling grand jury

A. In a county with a population of two hundred thousand PERSONS or more a grand jury shall be called ~~three times~~ EVERY FOUR MONTHS each year by the presiding judge of the superior court. ~~The call shall be issued on the first court date of each year, the first court date of May of each year and the first court date of September of each year.~~ Each grand jury shall sit until a new grand jury has been impanelled to replace it or until its term expires pursuant to section 21-403. Additional grand juries shall be called ~~upon~~ ON petition of the county attorney stating the reasons therefor.

B. In a county WITH A POPULATION of ~~under~~ LESS THAN two hundred thousand ~~in population~~ PERSONS the presiding judge of the superior court may call a grand jury EITHER:

1 1. If, in ~~his~~ THE JUDGE'S sole discretion, ~~he~~ THE JUDGE determines the
2 public interest requires a grand jury. ~~;-or~~

3 2. On petition of the county attorney.

4 Sec. 22. Renumber

5 Section 21-404, Arizona Revised Statutes, is renumbered as section
6 21-417.

7 Sec. 23. Title 21, chapter 4, article 1, Arizona Revised Statutes, is
8 amended by adding a new section 21-404, to read:

9 21-404. Grand jurors; number; quorum

10 THE ORDER TO FORM A GRAND JURY SHALL SPECIFY THE NUMBER OF JURORS TO
11 CONSTITUTE THE GRAND JURY. THE GRAND JURY SHALL CONSIST OF AT LEAST TWELVE
12 BUT NOT MORE THAN SIXTEEN PERSONS, NINE OF WHOM CONSTITUTE A QUORUM FOR ALL
13 PROCEEDINGS BEFORE IT.

14 Sec. 24. Section 21-406, Arizona Revised Statutes, is amended to read:

15 21-406. Absence

16 A. At any time, for good cause, the presiding judge of the superior
17 court may excuse a grand juror temporarily or permanently. In the event that
18 a grand juror is excused permanently, the presiding judge of the superior
19 court OR A DESIGNEE may administer the oath to an alternate grand juror so as
20 to maintain the original membership at the prescribed number of persons. The
21 alternate grand juror shall be selected as prescribed by title 21, chapter 3.

22 B. No grand juror shall vote on any matter ~~upon~~ ON which evidence has
23 been taken in ~~his~~ THE JUROR'S absence or ~~prior to his~~ BEFORE THE JUROR'S
24 impanelment.

25 Sec. 25. Section 21-423, Arizona Revised Statutes, is amended to read:

26 21-423. Jurors; judicial supervision

27 A. A state grand jury shall consist of the same number of members as a
28 county grand jury. The residence and qualifications of the members of the
29 state grand jury shall be determined according to rules ~~and regulations~~
30 ~~promulgated~~ ADOPTED by the ~~Arizona~~ supreme court which, at its discretion,
31 depending ~~upon~~ ON the nature of the matters to be investigated, may permit
32 the jury members to be residents of either one county or several counties.

33 ~~B. The jury commissioner of the county in which the assignment judge~~
34 ~~is serving, upon receipt of the order of the assignment judge, shall prepare~~
35 ~~a list of prospective jurors drawn from current jury lists from which list~~
36 ~~the assignment judge shall impanel a state grand jury.~~

37 ~~C. B.~~ B. The jury commissioner of the county in which the assignment
38 judge is serving shall cause the panel members to be summoned for service.
39 ~~The jury commissioner shall send the notice of service by certified mail,~~
40 ~~return receipt requested.~~

41 ~~D. C.~~ C. Judicial supervision of the state grand jury shall be
42 maintained by the assignment judge and all indictments, presentments and
43 formal returns of any kind made by a state grand jury shall be returned to
44 the assignment judge.

1 Sec. 26. Section 21-428, Arizona Revised Statutes, is amended to read:
2 21-428. Costs and expenses: state grand jury

3 A. In addition to the fees and amounts stated in section ~~21-221~~
4 21-211, persons serving on a state grand jury shall be provided by the county
5 in which the assignment judge is serving with reasonable per diem expenses as
6 established by the ~~Arizona~~ supreme court.

7 B. The costs and expenses incurred by a county arising out of or in
8 connection with impaneling a state grand jury and for the performing of its
9 functions and duties or arising out of the prosecution and trial of state
10 grand jury indictments shall be paid for by the state out of monies
11 appropriated to the supreme court for these purposes. The supreme court
12 shall approve county requests for reimbursement after certification by the
13 assignment judge that the amount requested is owed.

14 C. All costs and expenses incurred by the attorney general arising out
15 of the investigation, prosecution and trial of matters cognizable by a state
16 grand jury are payable from monies appropriated to the attorney general for
17 these purposes.

18 Sec. 27. Section 22-320, Arizona Revised Statutes, is amended to read:
19 22-320. Trial by jury

20 ~~A.~~ A trial by jury shall be had if demanded by either the state or
21 defendant. Unless the demand is made at least five days before commencement
22 of the trial, a trial by jury shall be deemed waived.

23 ~~B. Upon demand being made for a jury trial, the justice of the peace~~
24 ~~or presiding officer of a police court shall issue an order directed to the~~
25 ~~sheriff of the county, or to any constable, marshal, policeman or member of~~
26 ~~the court staff to summon the number of qualified persons specified in the~~
27 ~~order to appear at the time and place therein fixed to serve as jurors in the~~
28 ~~action. If the required number of jurors do not appear, an additional order~~
29 ~~or orders may be issued.~~

30 Sec. 28. Repeal

31 Section ~~22-426~~, Arizona Revised Statutes, is repealed.

32 Sec. 29. Effective date

33 This act is effective from and after September 30, 2007.